

State Water Resources Control Board

April 8, 2019

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7018 0680 0000 1017 6700

Mr. Jeff Pennoni
Facilities Manager
Monterey County
855 East Laurel Drive, Building C
Salinas, California 93905
pennonij@co.monterey.ca.us

**SUBJECT: FAILURE TO COMPLY; UNDERGROUND STORAGE TANK SYSTEM
LOCATED AT MONTEREY COUNTY COURT HOUSE, 1200 AGUAJITO ROAD,
MONTEREY**

Dear Mr. Pennoni:

As of the date of this letter, the State Water Resources Control Board (State Water Board) has not received a complete response to our February 4, 2019 Notice of Violation (NOV)(attached). You are directed to correct the ongoing violations identified in the NOV and submit compliance documentation to the State Water Board and Monterey County Health Department within ten (10) days from the date of this letter.

Please send all compliance documentation to the following:

State Water Board

Mr. Douglas McDevitt
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
douglas.mcdevitt@waterboards.ca.gov

Local CUPA

Ms. Maria Ferdin
Supervisor, Solid Waste Services
Monterey County Health Department
1270 Natividad Road
Salinas, California 93906
ferdinme@co.monterey.ca.us

Failure to comply with this notice may result in an enforcement action by the State Water Board. The State Water Board reserves the right to bring an action against the owner and/or operator of the tank(s) in violation, or it may recommend that Monterey County Health Department pursue enforcement, or Monterey County Health Department may elect to pursue enforcement independently.

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

If you have any questions, please contact me at (916) 323-0600, or by email at brian.taylor@waterboards.ca.gov.

Sincerely,



Brian Taylor
Senior Engineering Geologist (Supv.)
UST Enforcement Unit
Office of Enforcement

Attachment: February 5, 2019 Notice of Violation

cc: *(via email only)*

Ms. Maria Ferdin
Supervisor, Solid Waste Services
Monterey County Health Department
ferdinme@co.monterey.ca.us

Mr. Rich Patterson
Environmental Health Specialist II
Monterey County Health Department
pattersonrw@co.monterey.ca.us

Mr. Ron Aunchman, Sr.
Building Maintenance Supervisor
County of Monterey
aunchmanrr@co.monterey.ca.us



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

February 5, 2019

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7018 0680 0000 1017 6489

Mr. Jeff Pennoni
Facilities Manager
Monterey County
855 East Laurel Drive, Building C
Salinas, California 93905
pennonij@co.monterey.ca.us

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM
LOCATED AT MONTEREY COUNTY COURT HOUSE, 1200 AGUAJITO ROAD,
MONTEREY**

Dear Mr. Pennoni:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on January 17, 2019, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16 and 18:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	Failure to Maintain Operating Permit Onsite – A copy of the current operating permit was not available at the time of inspection.	Diesel	January 17, 2019	Ongoing	H&SC 25284(a); 23 CCR 2712(i)
2	Failure to Provide Designated Operator (DO) Training – A current employee training form was not available at the time of inspection. The training document onsite was dated May 16, 2017, and was due by May 31, 2018. Employee training must be performed by the DO every twelve months.	Diesel	June 1, 2018	Ongoing	23 CCR 2715(c)

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

No.	Violation	Tank	Start Date	Stop Date	Regulation
3	Failure to Provide Valid Board of Equalization (BOE) Number – A valid BOE number is not listed in California Environmental Reporting System (CERS).	Diesel	January 17, 2019	Ongoing	H&SC 25286(c)(9)
4	Failure to Maintain Financial Responsibility – A current copy of the Certificate of Financial Responsibility and evidence of financial responsibility were not available at the time of inspection or located CERS	Diesel	January 17, 2019	Ongoing	H&SC 25292.2; 23 CCR 2711(a)(11), 2711(d), & 2809.1(c)
5	Failure to Maintain Facility and Tank Information – The facility and tank information form observed onsite were incomplete. Facility and tank information must be submitted in CERS.	Diesel	January 17, 2019	Ongoing	H&SC 25286(a) & (c); 23 CCR 2711(a) & (d)
6	Failure to Maintain Monitoring Plan – The UST monitoring plan was not available at the time of inspection and must be submitted in CERS.	Diesel	January 17, 2019	Ongoing	H&SC 25286(a); 23 CCR 2632(d)(1), 2711(a)(9)
7	Failure to Maintain Release Response Plan – The UST response plan was not available at the time of inspection and must be submitted in CERS.	Diesel	January 17, 2019	Ongoing	23 CCR 2632(d)(2), 2634(e)
8	Failure to Maintain UST Records – The 2017 and 2018 annual monitoring system certification report and spill containment testing report were not available at the time of inspection. In addition, the 2018 secondary containment testing report was not available at the time of inspection.	Diesel	January 17, 2019	Ongoing	H&SC 25293; 23 CCR 2712(b)
9	Failure to Monitor Product Piping – The piping sump sensor was observed on the wrong side of the sump and not able to detect a leak at the earliest opportunity.	Diesel	January 17, 2019	Ongoing	23 CCR 2630(d)
10	Failure to Install Monitoring Equipment According to Manufacturer's Instructions – The annular sensor was observed with a splice enclosed in an epoxy-pack; however, it was not enclosed within the explosion proof junction box.	Diesel	January 17, 2019	Ongoing	23 CCR 2638(a)

No.	Violation	Tank	Start Date	Stop Date	Regulation
11	Failure to Perform Overfill Prevention Equipment Inspection – The overfill prevention equipment inspection demonstrating overfill equipment will activate at the required level was due on October 13, 2018.	Diesel	October 14, 2018	Ongoing	23 CCR 2637.2 (a)(1)

You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Monterey County Health Department within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance. In addition, the power bulb on the UST monitoring system needs to be addressed.

Please send all compliance documentation to the following:

State Water Board

Mr. Douglas McDevitt
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
douglas.mcdevitt@waterboards.ca.gov

Local CUPA

Ms. Maria Ferdin, Supervisor
Solid Waste Services
Monterey County Health Department
1270 Natividad Road
Salinas, California 93906
ferdinme@co.monterey.ca.us

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5891, or by email at matthew.buffleben@waterboards.ca.gov.

Sincerely,



Dr. Matthew Buffleben
Supervising Water Resource Control Engineer
Acting Supervisor, UST Enforcement Unit
Office of Enforcement

cc: See next page.

cc: *(via email only)*

Ms. Maria Ferdin, Supervisor
Solid Waste Services
Monterey County Health Department
ferdinme@co.monterey.ca.us

Mr. Rich Patterson
Environmental Health Specialist II
Monterey County Health Department
pattersonrw@co.monterey.ca.us